



City Council Agenda

Council President
Chris Mathys

Council Members

Garry Bredefeld
Mike Briggs, Acting President
Henry Perea

Sal Quintero
Daniel Ronquill
Ken Steitz

City Manager
Jeffrey M. Reid

City Clerk
Rebecca E. Klisch

City Attorney
Hilda Cant Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 498-1321

The City Council welcomes you to this meeting.

TUESDAY, JULY 28, 1998

IF YOU WOULD LIKE TO SPEAK, FILL OUT A SPEAKER REQUEST FORM AVAILABLE FROM THE CITY CLERK'S OFFICE AND IN THE COUNCIL CHAMBERS

9:00 A.M. Roll Call

Invocation by Reverend Bernard Guekguezian of the First Armenian Presbyterian Church

Pledge of Allegiance to the Flag

Proclamation of "KOREAN VETERANS DAY" - Read and presented

Proclamation of "WORLD BREASTFEEDING WEEK" - Read and presented

Proclamation of "HARVEY ZIMMERMAN DAY" - Council President Mathys - Read and presented

Proclamation of "NATIONAL NIGHT OUT DAY" - All Councilmembers - Read and presented

Presentation of P.R.I.D.E. Team Certificates for the Summer Quarter - Presented

(Reception immediately following - 2nd Floor Foyer)

Presentation of Student Certificates - Councilmember Perea - Presented

COUNCIL ACTION OF UNSCHEDULED ITEMS, IF ANY, SHALL BE

LIMITED TO REFERRING THE ITEM TO STAFF FOR A REPORT AND POSSIBLE SCHEDULING ON A FUTURE COUNCIL AGENDA FOR EACH MATTER CONSIDERED BY THE COUNCIL, THERE WILL FIRST BE A STAFF PRESENTATION, FOLLOWED BY A PRESENTATION FROM THE PROJECT APPLICANT. TESTIMONY FROM THOSE IN ATTENDANCE WILL THEN BE TAKEN. ALL TESTIMONY GIVEN WILL BE LIMITED TO THREE MINUTES PER PERSON.

THE THREE LIGHTS ON THE PODIUM NEXT TO THE MICROPHONE WILL INDICATE THE AMOUNT OF TIME REMAINING FOR THE SPEAKER. THE GREEN LIGHT WILL BE TURNED ON WHEN THE SPEAKER BEGINS. THE YELLOW LIGHT WILL COME ON WITH ONE MINUTE REMAINING AND ONE TONE WILL SOUND. THE SPEAKER SHOULD BE COMPLETING THE TESTIMONY BY THE TIME THE RED LIGHT COMES ON AND TWO TONES SOUND, INDICATING THAT TIME HAS EXPIRED.

Approve minutes of July 21, 1998

Action Taken: Approved

Approve Agenda

Action Taken: Approved

Adopt Consent Calendar

Action Taken: Adopted

TIME SCHEDULED HEARINGS AND MATTERS

9:10 A.M. Appearance by Jonathan Aroz regarding upgrade of blue print records

Action Taken: Appearance made

9:15 A.M. Presentation by the Police Department relating to "Midnight Fun Run"

Action Taken: Presentation made; invitation extended to Council

9:30 A.M. A. Presentation by Council of Fresno County Governments (COG) relating to the Regional Transportation Plan

Action Taken: Presentation made

B. Presentation of Fresno-Madera County East-West Corridor Study by COG and consideration of Council direction

Action Taken: Alternative 2 deleted; motion to reject study failed

9:45 A.M. Appeal on the determination by the Historic Preservation Commission regarding preliminary plans for the Guarantee Savings Building located at 1171-1177 Fulton Mall, Historic Resource #167

Action Taken: Casement windows as requested by property owners approved with muntin as recommended by staff

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED:

10:00 A.M. CONTINUED HEARING concerning the City's housing policies and programs pursuant to the Family Alliance for the Mentally Ill (FAMI) Settlement Agreement, consideration of the addendum to the original report and action to adopt, reject and/or modify the consultants' recommendations

Action Taken: Consultant report, recommendations and addendum approved

10:15 A.M. - 10:30 A.M. RECESS

10:30 A.M. CONTINUED HEARING on Plan Amendment No. 98-06, Rezoning Application No. R-98-08, filed by Sam Lucido, for 2.3 acres of property located at N. Maple and E. Nees Avenues

1. RESOLUTION - Denying amendment to the Woodward Park Community Plan (Planning Commission Recommendation)

Action Taken: Not adopted

2. RESOLUTION - Amending the Woodward Park Community Plan from the medium-low density residential to the office commercial plan designation (Applicant's Request)

Action Taken: Resolution No. 98-220 adopted

3. BILL - Amending the Official Zone Map from the AE-20/UGM to the R-P/UGM/cz Zone District (Applicant's Request)

Action Taken: Bill No. B-59/Ordinance No. 98-56 adopted

10:45 A.M. Presentation by Francois Nion, JC Decaux regarding automated public restrooms downtown - Council President Mathys and Councilmember Ronquillo

Action Taken: Presentation made; staff directed to prepare RFP

11:45 A.M. HEARING on Text Amendment No. TA-97-10, proposing a change to Section 12-306-N-39 of the Fresno Municipal Code relating to measuring the 300-foot separation between an automatic car wash and a residential neighbor

* 1. BILL NO. B-56 (INTRO. 7/21/98) - Amending Section 12-306-N of the Fresno Municipal Code relating to development criteria for automatic car washes (Alternative No. 1)

Action Taken: Ordinance No. 98-57 adopted; further direction to staff

* 2. BILL NO. B-57 (INTRO. 7/21/98) - Amending Section 12-306-N of the Fresno Municipal Code relating to development criteria for automatic car washes (Alternative No. 2)

Action Taken: Not adopted

2:00 P.M.#1 DISCUSSION OF CONTESTED CONSENT ITEMS (IF ANY)

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED:

2:00 P.M.#2 CLOSED SESSION:

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION -

Government Code Section 54956.9, Subdivision (a)

1. Case Name:

a. County vs. City vs. County (Parking Fines Case), Sup. Ct. No. 502123-3; CA# 5-5872

b. City vs. County vs. City (AB 1290), Sup. Ct. No. 545904-5; CA# 16-7213

c. County vs. City vs. County (CSA 48), Sup. Ct. No. 560663-7; CA# 16-7283

d. County vs. City (Roeding Park II), Sup. Ct. No. 571200-5; CA# 16-7328

e. County vs. City (Roeding Park III), Sup. Ct. No. 573647-5; 4-7341

2. Case Name: David Williams vs. City of Fresno, et al.

3. Case Name: Kenith R. Carr v. City of Fresno, et al.

Action Taken: Held

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION -
Government Code Section 54956.9, Subdivision (b)

Significant Exposure to Litigation:

1. Case Name: Claim of Issac Galindo, Sr.

2. Case Name: Claim of Issac Galindo, Jr.

3. Case Name: Claim of Celeste C. Galindo

4. Case Name: Ehrlich vs. City of Fresno

Action Taken: Held

2:15 P.M. BILL - Amending the Fresno Municipal Code relating to providing for a five-year vesting period in the Employment Retirement System

Action Taken: Bill No. B-65 introduced/laid over

2:30 P.M. HEARING regarding City of Fresno Community Facilities District No. 2, Annexation No. 6

A. RESOLUTION - Annexing territory to Community Facilities District No. 2 and authorizing the levy of a special tax

Action Taken: Resolution No. 98-223 adopted

B. RESOLUTION - Calling a special mailed-ballot election relating to Community Facilities District No. 2

Action Taken: Resolution No. 98-224 adopted

C. RESOLUTION - Declaring election results relating to Community Facilities District No. 2

Action Taken: Resolution No. 98-225 adopted

* D. BILL - Levying a special tax for the property tax year 1999-2000 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 6 City of Fresno

Action Taken: Bill No. B-66/Ordinance No. 98-58 adopted

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED:

4:00 P.M. REGULAR MEETING OF THE REDEVELOPMENT AGENCY

Approve minutes of June 30, 1998

Action Taken: Approved

4:05 P.M. Consider matters relating to the Hauter Family's proposal for a commercial development and commercial rehabilitation

A. RESOLUTION - Authorizing the Director to prepare and enter into a 90-day agreement to negotiate exclusively with Adam Hauter, authorized representative of the owners/operators ("Hauter Family") of the Fresno Community Market ("Market"), for a Disposition and Development Agreement covering property at 264-274 N. Fresno Street and a commercial mixed-use development in the Jefferson Redevelopment Area and authorizing the Director to accept an application for, to process, and enter into a Commercial Rehabilitation Loan Agreement for facade and exterior improvements (Agency action)

Action Taken: Resolution No. 1491 adopted

4:15 P.M. Update on the proposed Chamlian Project and request for an extension of exclusive rights to Vahan Chamlian to enter into negotiations with the Agency

Action Taken: Update given; request approved

4:20 P.M. JOINT MEETING WITH THE REDEVELOPMENT AGENCY

A. Approve and adopt a joint resolution of the City Council and the Redevelopment Agency of the City of Fresno that supersedes, in part, Joint Resolution Nos. 98-103 and 1468, respectively, adopted March 31, 1998, to:

1. RESOLUTION - Approve a change in the contracting developer from Central Cities Properties, Inc. to Kearney Palms, LLC; Add conditions regarding the investment by Table Mountain Rancheria Tribal Development Corporation, Inc., as the LLC member providing the necessary cash equity; and authorize revisions to the Disposition and Development Agreement, and to the "Lease and Covenants For Public Parking, Operation and Maintenance Reciprocal Easements and Option to Purchase Agreement," approved March 31, 1998, substantially in the form then presented, as needed to: (i) recognize the change in contracting entity and its membership, and to (ii) acknowledge facts and agreements regarding the purchase and sale of APN's 467-151-06, 07, and 08 (Currie Bros. property) (Council and Agency action)

Action Taken: Council Resolution No. 98-232/Agency Resolution No. 1492 adopted

JOINT MEETING WITH THE REDEVELOPMENT AGENCY CONTINUED

4:25 P.M. Consider matters regarding the Fresno Hotel Partners' proposed downtown hotel complex and expanded Exhibit Hall

A. Receive report from staff and Fresno Hotel Partners and give direction to staff regarding potential deal points of an agreement with Fresno Hotel Partners

RESOLUTION - Approving a 90-day extension of the exclusive rights to negotiate granted under Agency Resolution No. 1478, adopted 4/14/98, relating to the Fresno Hotel Partners' exclusive rights to negotiate for a downtown hotel complex within the Convention Center/Exhibit Hall area (Agency action)

Action Taken: Not adopted; 3 week extension approved to allow staff to return on 8/18/98 with scopy and cost of feasibility study, including issue of competitive bidding

4:35 P.M. Presentation by Dave Farley on Mosquito and Vector Control District work on City-owned or managed properties

Action Taken: Presentation made

ADJOURN AGENCY

1A. GENERAL CONSENT CALENDAR:

(ALL CONSENT CALENDAR ITEMS ARE CONSIDERED BY THE CITY COUNCIL TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS REQUESTED, IN WHICH EVENT THE ITEM WILL BE REMOVED FROM THE CONSENT CALENDAR AND CONSIDERED AT 2:00 P.M.#1)

1. Proposed appointment of Robert Wilson to the Apartment Vacancy Task Force Committee - Councilmember Bredefeld (for introduction)

Action Taken: Removed from agenda

2. Approve appointment of Floyd Harris, Jr. to the Edison Southwest Advisory Committee - Councilmember Ronquillo (for adoption)

Action Taken: Approved

3. RESOLUTION - Approving Final Map and Subdivision Agreement for Tract No. 4736, Phase I of Vesting Tentative Tract No. 4736/UGM 569, a 125-lot single-family residential subdivision of 27.90 acres, located on the east side of N. Chestnut Avenue between E. Teague and E. Nees Avenues

Action Taken: Resolution No. 98-212 adopted

4. RESOLUTION - Approving Final Map and Subdivision Agreement for Tract No. 4823, Phase II of Vesting Tentative Tract No. 4736/UGM 569, a 122-lot single-family planned development residential subdivision with two outlots for private street and open space on 29.32 acres, located on the southeast corner of N. Chestnut Avenue and E. Teague Avenues

Action Taken: Resolution No. 98-213 adopted

1A. GENERAL CONSENT CALENDAR CONTINUED:

5. RESOLUTION - Approving Final Map and Subdivision Agreement for Tract No. 4570, Phase I of Vesting Tentative Tract No. 4570/UGM 563, a 72-lot single-family residential subdivision on 19.44 acres, located on the northwest corner of E. Church and S. Sunnyside Avenues

Action Taken: Resolution No. 98-214 adopted

6. Award a contract for pavement recycling of various streets within the City of Fresno, 1998 Phase 2 - Cold-In-Place Method

Action Taken: Granite Construction/\$3,208,214

7. Award a contract for one (1) fire engine aerial ladder truck

Action Taken: Awarded to Westates Truck Equipment/\$495,077.85

8. RESOLUTION - to convert the parallel parking on Garden between Townsend and Heaton, and Heaton between Garden and Winery to diagonal parking

Action Taken: Resolution No. 98-215 adopted

9. Approve Lease Amendment No. 5 with the Aviation Group

Action Taken: Approved

10. RESOLUTION - Approving Final Map and Subdivision Agreement for Tract No. 4818, a 181-lot single-family residential subdivision on 38.92 acres, located on the south side of W. Bullard Avenue between N. Cornelia Avenue and N. Figarden Drive

Action Taken: Resolution No. 98-216 adopted

11. RESOLUTION - Dedicating certain City-owned property for public street purposes, property located on the northwest corner of E. Olive Avenue and N. Eleventh Street

Action Taken: Resolution No. 98-217 adopted

12. RESOLUTION - Dedicating certain City-owned property for public pedestrian walkway purposes, property located on the southwesterly side of Airways Boulevard south of Dakota Avenue

Action Taken: Resolution No. 98-218 adopted

13. RESOLUTION - Making certain preliminary determinations and authorizing certain actions with respect to an assessment district in northeast and southeast Fresno

Action Taken: Resolution No. 98-219 adopted

14. Proposed reappointments of Ralph Goldbeck, Larry Willey and Alice Saviez to the Workforce Development Board - Mayor Patterson (for introduction)

Action Taken: Introduced/laid over

* 15. RESOLUTION - 4th amendment to AAR No. 98-159 appropriating \$600 of District 4 infrastructure capital for Citizens on Patrol bicycle supplies and repairs (Requires 5 affirmative votes)

Action Taken: Resolution No. 98-221 adopted

1A. GENERAL CONSENT CALENDAR CONTINUED:

16. Proposed appointment of Russell G. Smith to the Fresno Workforce Development Board - Council President Mathys (for introduction)

Action Taken: Introduced/laid over

17. RESOLUTION - Authorizing approval of the sole source purchase of fourteen (14) 9-1-1 computer-aided dispatch (CAD) display monitors and display monitor cards

Action Taken: Resolution No. 98-222 adopted

18. Receipt of Certificate of insufficiency of petition to recall Mayor Jim Patterson

Action Taken: Received

1B. CONSENT CALENDAR - BILLS FOR INTRODUCTION - PINK TABS

1. Bills relating to general provisions of the Fresno Municipal Code, Code Enforcement and General Appeals

* a. BILL - Amending Article 1, Chapter 1 of the Fresno Municipal Code, relating to general provisions

Action Taken: Bill No. B-60 introduced/laid over

* b. BILL - Repealing Article 4 of Chapter 1 of the Fresno Municipal Code, relating to general appeal procedures and adding Article 4 of Chapter 1 of the Fresno Municipal Code relating to code enforcement - judicial and administrative remedies

Action Taken: Bill No. B-61 introduced as amended/laid over

* c. BILL - Adding Article 5 of Chapter 1 of the Fresno Municipal Code relating to general appeals procedures

Action Taken: Bill No. B-62 introduced as amended/laid over

* d. BILL - Amending Sections of the Fresno Municipal Code, relating to general appeals

Action Taken: Bill No. B-63 introduced/laid over

* e. BILL - Amending Section 1-301(l) of the Fresno Municipal Code relating to definitions

Action Taken: Bill No. B-64 introduced/laid over

2. PLANNING AND ZONING ADMINISTRATION

A. Consider request from the Fresno City Planning Commission to schedule a joint meeting with the Fresno City Council for August 25, 1998, at 6:30 P.M.

Action Taken: Approved for 8/18/98 at 6:30 P.M.

3. GENERAL ADMINISTRATION

A. BILL NO. B-55 (INTRO. 7/21/98) - Amending the Official Zone Map: Modification to approved Ordinance Bill for Rezoning Application No. R-98-06,

filed by George Aguilar, to rezone from the R-1 to the R-P zone district, for property located on the west side of N. First Street between E. Shaw and E. Barstow Avenues

Action Taken: Ordinance No. 98-59 adopted

3. GENERAL ADMINISTRATION CONTINUED:

* B. RESOLUTION - 352nd amendment to MFS No. 80-420 to reduce or eliminate various sewer connection charges

Action Taken: Resolution No. 98-226 adopted

C. Submittal of August, 1996 transient room tax increase for voter approval, pursuant to requirements of Proposition 218

* 1. RESOLUTION - Submitting for voters approval pursuant to Proposition 218, an amendment to the Master Fee Schedule Resolution relating to the increase in transient room tax (hotel room tax)

Action Taken: Resolution No. 98-227 adopted

D. Proposed charter amendment giving property owners or tenants of single family housing units the option to request the City of Fresno to install water meters and to calculate their water bills based on water meter readings to be submitted to the electorate for the November 3, 1998 general election

Action Taken: Discussed

* 1. RESOLUTION - Submitting a proposed Charter amendment to City electors relating to voluntary water meters

Action Taken: Failed adoption

E. Electrical restructuring: Direct staff to proceed with the contracts and agreements with the State of California Department of General Services (DGS) to be the energy service provider for the terms that they have included in the contract

Action Taken: Direction approved

F. RESOLUTION - Setting forth permissible games which may be played in card rooms under the City of Fresno Card Room Ordinance

Action Taken: Failed adoption

4. CITY ATTORNEY

A. Discussion and direction on appointment of Council representatives to Blue Ribbon Commission on competitive bidding

Action Taken: Direction made

5. CITY COUNCIL

A. Consider additions to Council Rules and Protocol - Councilmember Briggs

Action Taken: Rule 16 (f) approved; Rule 16 (g) laid over to 8/18/98

6. CITY/COUNTY INTERGOVERNMENTAL RELATIONS

* A. RESOLUTION - Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed Church-Willow No. 2B Reorganization

Action Taken: Resolution No. 98-228 adopted

* B. RESOLUTION - Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed Church-Willow No. 2A Reorganization

Action Taken: Resolution No. 98-229 adopted

* C. RESOLUTION - Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed Church-Willow No. 4 Reorganization

Action Taken: Resolution No. 98-230 adopted

* D. RESOLUTION - Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed Kings Canyon-Peach No. 2 Reorganization

Action Taken: Resolution No. 98-231 adopted

7. UNSCHEDULED ORAL COMMUNICATIONS - You may address the City Council at the conclusion of the Council meeting regarding items that are not listed on the agenda. The policy is to limit your presentation to three (3) minutes pursuant to Ordinance No. 96-67. Please be present at the conclusion of the meeting if you wish to be heard. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least 10 days prior to the desired date of appearance.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Aug. 4 - NO MEETING - COUNCIL VACATION

Aug. 11 - NO MEETING - COUNCIL VACATION

Aug. 18 - 10:30 A.M. HEARING on PA No. 98-10, Rezone Appl. No. 98-13, filed by Robert Carter

Aug. 18 - 11:00 A.M. Report from City Attorney relating to the Fresno City Employees Health and Welfare Trust - Councilmember Quintero

Aug. 18 - 5:00 P.M. HEARING to review P.C.'s action on CUP No. C-98-077, Fresno Reentry Center, Inc.

Aug. 18 - 5:30 P.M. CONTINUED HEARING on consideration of bills relating to advertised structures (billboards)

Aug. 18 - 6:30 P.M. Joint meeting with the Planning Commission

Aug. 25 - 10:00 A.M. HEARING on Rezone Appl. 98-14, filed by Lucio Godinez

Aug. 25 - 10:30 A.M. HEARING on PA No. A-98-08, Rezone Appl. R-98-10, filed by DeWayne Zinkin

Aug. 25 - 2:30 P.M. HEARING re: Community Facilities District No. 2, Annexation No. 7

Sept. 1 - NO MEETING - COUNCIL VACATION

Sept. 8 - NO MEETING - COUNCIL VACATION